



An  
Bord  
Pleanála

## Inspector's Report ABP317352-23

<b>Development</b>	The formation of new vehicular access gates to front boundary, pavement cross over, off street parking and associated site works.
<b>Location</b>	100 Tritonville Road, Sandymount, Dublin 4 / D04T925
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3523/23.
<b>Applicant(s)</b>	Tom Kane.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refusal.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Tom Kane.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	21/08/2023.
<b>Inspector</b>	Anthony Abbott King.

## **1.0 Site Location and Description**

- 1.1. The applicant site comprises a inner suburban period two-storey two-bay red-brick mid-terrace house with a front and rear garden located on the east side of Tritonville Road. The site area is given as 0.031 hectares.
- 1.2. The existing front boundary treatment to Tritonville Road comprises a contemporaneous period stone plinth and cast-iron railing punctuated by a single pedestrian entrance gate defined by cast-iron decorative posts.
- 1.3. Tritonville Road is a suburban residential avenue with a modest width carriageway, which links Irishtown to Ballsbridge via Serpentine Avenue.

## **2.0 Proposed Development**

- 2.1. The formation of new vehicular access gates to front boundary, pavement cross over, off street parking and associated site works

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Refuse planning permission for the following reason:

1. The development would result in the removal of on-street parking to accommodate private vehicular entrances, which would be contrary to the policy of the planning authority, as set out in Policy SMT25 and section 8.5.7 of the Dublin City Development Plan 2022-2028, which aims to manage on-street parking to serve the needs of the city alongside the needs of residents, visitors, businesses, curb side activity, and accessible parking requirements. The reduced supply of on-street parking would detract from the convenience of road users and the residential amenity of surrounding properties, would be contrary to the sated policy and would set an undesirable precedent for other similar developments in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The decision of the CEO of Dublin City Council reflected the recommendation of the planning case officer.

### 3.2.2. Other Technical Reports

The Transport Division of the planning authority recommend a refusal of planning permission.

## 4.0 Planning History

The relevant planning history is documented below:

Planning permission for new vehicular access and front garden parking space was refused in November 2015 under register reference 3617/15 for the following reasons:

*1. The proposal for the removal of an on-street car parking space to accommodate a private vehicular access, is contrary to Dublin City Council policy and would reduce the supply of on-street car parking. The proposed development would directly contravene Policy SI13 of the Dublin City Development Plan 2011-2017 which seeks to retain on-street parking as a resource for the city, as far as practicable.*

*2. The proposed development would set an undesirable precedent for similar sites throughout the city.*

## 5.0 Policy and Context

### 5.1. Development Plan

The following Dublin City Development Plan 2022-2028 policy objectives are relevant:

The land-use zoning objective is Z2 (Residential Conservation) (Map F): *To protect and/or improve the amenities of residential conservation areas.*

- **Residential Conservation area**

Chapter 15 (Development Standards) of the Dublin City Development Plan 2022-2028 states all planning applications for development in Conservation Areas shall:

- *Respect the existing setting and character of the surrounding area.*
- *Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.*
- *Protect the amenities of the surrounding properties and spaces.*
- *Provide for an assessment of the visual impact of the development in the surrounding context.*
- *Ensure materials and finishes are in keeping with the existing built environment.*
- *Positively contribute to the existing streetscape. Retain historic trees also as these all add to the special character of an ACA, where they exist.*

Furthermore, Policy BHA9, Chapter 11 (Archaeology & Built Heritage), Dublin City Development Plan 2022-2028 *inter alia* states:

*To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives..... Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.*

- **Sustainable Mobility and Transport**

Chapter 8 (Sustainable Movement and Transport) Section 8.5.7 (car parking) is relevant, which provides for strong car parking policy implementation in Dublin city, and Policy Objective SMT25 stating in the matter of on-street parking the following:

*To manage on-street car parking to serve the needs of the city alongside the needs of residents, visitors, businesses, kerbside activity and accessible parking requirements, and to facilitate the re-organisation and loss of spaces to serve sustainable development targets such as in relation to, sustainable transport provision, greening initiatives, sustainable urban drainage, access to new developments, or public realm improvements.*

- **Vehicular Entrances and Front Garden Parking**

Appendix 5 (Transport and Mobility: Technical Requirements) Section 4.0 (Car Parking Standards) of the Dublin City Development Plan 2022-2028 is relevant., including the following provisions:

Section 4.1 (On Street Parking) is relevant and *inter alia* states:

*There will be a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car-parking spaces or where there is a demand for public parking serving other uses in the area.*

Section 4.3 (Parking in Front Gardens), which *inter alia* states:

*Panning Permission is required for the alteration of a front garden in order to provide car parking by creating a new access, or by widening of an existing access. Proposals for off- street parking in the front gardens of single dwellings in mainly residential areas may not be permitted where residents rely on on-street car parking and there is a strong demand for such parking.*

Section 4.3.1 (Dimensions & Surfacing) is relevant and *inter alia* states:

*Vehicular entrances shall be designed to avoid creation of a traffic hazard for passing traffic and conflict with pedestrians. Where a new entrance onto a public road is proposed, the Council will have regard to the road and footway*

*layout, the impact on on-street parking provision (formal or informal), the traffic conditions on the road and available sightlines.*

*For a single residential dwelling, the vehicular opening proposed shall be at least 2.5 metres or at most 3 metres in width and shall not have outward opening gates. Where a shared entrance for two residential dwellings is proposed, this width may increase to a maximum of 4 metres.*

Detailed requirements for parking in the curtilage of Protected Structures and in Architectural Conservation and Conservation Areas are set out in Appendix 5, Section 4.3.7.

Where site conditions exist which can accommodate car parking provision without significant loss of visual amenity and/or historic fabric, proposals for limited off-street parking will be considered which meet a list of performance criteria. The following *inter alia* criteria are relevant to the assessment of the development proposal:

- *A high standard of design and layout will be expected to integrate the proposal into the sensitive context, the use of natural materials that would complement the special character of the Protected Structure i.e. gravels, granite etc.;*
- *The retention of most of the original boundary wall and/or railings and plinth wall and the re-use of the removed railings for new access gates will be sought;*
- *Works which would involve the loss of mature and specimen trees (those in good condition) which contribute to the character of a protected structure or conservation area, both within the private and public domain, will be discouraged;*
- *Every reasonable effort is made to protect the integrity of the protected structure and/or conservation area;*
- *Access to and egress from the proposed parking space will not give rise to a traffic hazard;*
- *The remaining soft landscaped area to the front of the structures should generally be in excess of half of the total area of the front garden space,*

*exclusive of car parking area, footpaths and hard surfacing. SuDs features should be incorporated as appropriate (see also Appendix 12);*

- Car parking shall be designed so that it is set-back from the house and front boundary wall to avoid excessive impact on the protected structure;
- Car parking bays shall be no greater than 5 m x 3 m metres wide;
- *The proposed vehicular entrance should, where possible, be combined with the existing pedestrian entrance so as to form an entrance no greater than 2.6 m and this combined entrance should be no greater than half the total width of the garden at the road boundary.....;*
- *Where cast or wrought iron or other historic railings exist and historic brick and stone boundary walls, which contribute to the special character of the structure, every effort will be made to preserve and to maintain the maximum amount of original form and construction through minimum intervention. Any original existing gates, piers and cast iron or other railings that require alterations shall be reused and integrated with all new parking proposal.....;*

## 5.2. EIA Screening

5.3. The proposed development is not within a class where EIA applies.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appeal statement is prepared by Armstrong Planning on behalf of the applicant Mr. Tom Kane. The grounds of appeal are summarised below:

- The majority of house on Tritonville Road have off-street car parking in their front garden. Appendix D of the appeal statement evidences the distribution of off-street car parking;
- The proposed development can be accommodated without reducing on street car parking. The existing parking bay in front of no. 100 Tritonville Road is 7m in length and can accommodate one car. The applicant will reduce the vehicular access from 3m to 2.5m, the minimum allowable width, in order to

accommodate the proposed new access and retain the on-street car parking space. A revised drawing showing the amended layout is attached to the appeal statement for the consideration of the Board;

- The 6m requirement applied by the planning case officer is not evidenced in an explicit development plan standard. The implied standard is contained in the Department of Transport's Traffic Signs Manual, which includes a 6m standard for parallel parking. However, a standard of 4.8m should be applied in the instance of the subject on-street car parking bay because of its standalone nature, which is also provided for in the Traffic Signs Manual that provides this standard for individual parallel parking with a 'buffer zone';
- The proposal will increase the availability of on-street car parking by providing one off-street and one on-street car parking space. The appellant has conducted a survey of existing on-street parking bays on Tritonville Road and environs. It is claimed there are 8 on-street car parking bays exhibit a bay length less than the proposed length of the subject retained car parking bay. Appendix C of the appeal statement evidences single parking bays in the vicinity;
- The proposal will increase residential amenity by removing obstruction and potential traffic hazards. The existing 7m bay is too large and accommodates 2 cars, which causes obstruction of the existing vehicular entrances at no. 98 and no. 102 Tritonville Road. The proposal would reduce the length of the bay prohibiting the parking of 2 cars;
- The removal of on-street car parking, if it were the case, would not be contrary to planning policy at this location. The presumption to retain on-street car parking as provided for in Appendix 5, Section 4.1 of the Dublin City development Plan 2022-2028 does not apply on Tritonville Road, as residents are not reliant on the availability of on-street car parking given the level of off-street provision;
- A precedent for off-street parking is established by no. 37 Tritonville Road where permission was granted for a vehicular access in August, 2021. This resulted in the loss of an unregulated on-street car parking bay;



- The proposed development will allow the appellant to safely park his car within his own property. This will facilitate the installation of an electric charging point in time.

## 6.2. Planning Authority Response

None recorded

## 7.0 Assessment

7.1. The following assessment covers the points made in the appeal submission and my *de novo* consideration of the application. It is noted that there are no new substantive matters for consideration.

7.2. The applicant proposes to create a vehicular access 3m in width in order to facilitate a dedicated front garden car parking space. The front garden would be in part hard-surfaced in 'New Ballylusk loose gravel' to accommodate an off-street car parking space measuring 6.85m in length x 3.85m in width. The car parking area would be set back from the entrance door. It would be defined by a new granite kerb that would differentiate the hard surface area from a residual strip lawn.

The proposed vehicular access gate would require the removal of the existing pedestrian access gate and decorative posts with a replacement double vehicular access gate. The new wrought iron entrance gates would match the material finish of the existing period boundary treatment and would incorporate the decorative pedestrian entrance posts. The appeal statement is accompanied by a revised layout drawing (Revision A, dated 13/06/23), which would amend the vehicular access to reduce the width of the proposed entrance to 2.5m.

7.3. The proposed development is located within a residential conservation area. Section 15.15.2.2 (Conservation Areas) of the Dublin City Development Plan 2022-2028, requires that all planning applications in conservation areas shall *inter alia* respect the existing character of the surrounding area. Section 11.5.3 (built heritage assets of the City) recognises that Z8 (Georgian Conservation Areas) and Z2 (Conservation Areas) are areas that have conservation merit and importance and warrant protection through zoning and policy application.

In this regard the development plan requires that car parking in front gardens in conservation areas to satisfy a number of criteria. Appendix 5, Section 4.3.7 provides detailed guidance for parking in the curtilage of protected structures and in architectural conservation areas and conservation areas including the requirement that the remaining soft landscaped area to the front of the structure should generally be in excess of half of the total area of the front garden space, exclusive of car parking area, footpaths and hard surfacing.

In the instance of the proposed development the remaining soft landscaping area would comprise a residual grass strip that would be significantly deficient in area in order to satisfy this criterion. It is considered that although the proposed development would satisfy a number of the criteria listed it would not satisfy all of the criteria and would therefore be inconsistent with Appendix 5, Section 4.3.7 (parking in the curtilage of a protected structure and in an architectural conservation area and in a conservation area) of the Dublin City Development Plan 2002-2028.

- 7.4. The appellant as part of the appeal statement has documented the location of off-street car parking on Tritonville Road. The appellant argues that the vast majority of houses on Tritonville Road have dedicated off-street parking in their front gardens and that the development proposal has significant precedent. However, the existing off-street parking provision is in vast majority legacy development. Dublin City Development Plan policy has evolved in the matter of restricting off-street car parking provision and the pro-active management of on-street residential parking, including pay and display and permit parking.

Section 8.5.7 (car parking) and Policy Objective STM25 of the Dublin City Development Plan 2022-2028 requires the sustainable management of on-street car parking to serve the needs of the city, including the needs of residents, visitors, businesses, balancing these needs with sustainable development targets. It is considered that the proposed development would be inconsistent with the objective to retain on-street parking as a resource for the city in as far as is practicable while meeting sustainable transport targets.

- 7.5. The appellant states that the existing parking bay in front of no. 100 Tritonville Road is 7m in length and can accommodate one car. The applicant will reduce the vehicular access from 3m to 2.5m, the minimum allowable width, in order to

accommodate the proposed new access and retain the on-street car parking space. The amended layout is shown on the submitted drawing (Revision A, dated 13/06/23). The appellant has conducted a survey of existing on-street parking bays on Tritonville Road and environs. It is claimed that there are 8 on-street car parking bays in the vicinity that are in length less than the proposed length of the subject retained car parking bay, which would have a residual length of 6.32m.

The appellant states that the 6m length requirement is not evidenced in an explicit development plan standard. The implied standard is contained in the Department of Transport's Traffic Signs Manual, which includes a 6m length standard for parallel parking. However, a length standard of 4.8m should be applied in the instance of the subject on-street car parking bay because of its standalone nature, which is also provided for in the Traffic Signs Manual that allows a reduced length standard for individual parallel parking with a 'buffer zone'.

It is considered that the proposed 6.32m reservation between the proposed revised vehicular entrance to no.100 Tritonville Road and the existing vehicular entrance at no. 98 is insufficient to preserve the on-street car parking bay. I consider that the on-street car parking bay length requirements cannot be satisfied given the additional requirement for an 0.9m dishing either side of the vehicular entrance, either by amendment of the width of the entrance or by reducing the theoretical length of the car parking bay to 4.8m. The aggregate dishing of both the vehicular entrance to the north and the south of the retained on-street car parking bay would require an additional 1.8m – a total length of 6.6m. Therefore the on-street parking bay by reason of the revised proposal would still be substandard.

- 7.6. Appendix 5 (Transport & Mobility: Technical requirements), Section 4.1 (On Street Parking), includes a presumption against the removal of on-street parking spaces to facilitate the provision of vehicular entrances to single dwellings in predominantly residential areas where residents are largely reliant on on-street car-parking spaces or where there is a demand for public parking serving other uses in the area. It is considered that Tritonville Road is a location where these circumstances apply notwithstanding the arguments of the appellant. It is noted that the majority of houses on the street have off-street parking and for this reason, and due to the narrow carriageway width, the number of available on-street parking spaces is limited for the use of residents, visitors and other road users.

Furthermore, Section 4.3 (Parking in Front Gardens) supports the restriction on the removal on-street car parking. The development plan requires that proposals for off-street parking in the front gardens of single dwellings in mainly residential areas may not be permitted where residents rely on on-street car parking and there is a strong demand for such parking. I would concur with the planning authority that the provision of a vehicular entrance at this location would result in the removal of an on-street car parking space, which would be inconsistent with development plan policy.

7.7. It is noted that the Transport Planning Division of Dublin City Council object to the development proposal for off-street car parking at no. 100 Tritonville Road. The subject Transport Planning Division Report citing Policy Objective SMT25 of the development plan supporting sustainable transport provision and Appendix 5, Section 4.1 (On Street Parking) of the Dublin City Development Plan 2022-2028, which contains a presumption to retain on-street parking.

7.8. In conclusion, the proposed off-street car parking would remove at least one on-street car parking space on Tritonville Road, which would be inconsistent with development plan policy for the provision off-street car parking in front gardens and the management of on-street car parking in particular Section 8.5.7 and Policy Objective SMT25 of the Dublin City Development Plan 2022-2028.

#### 7.9. **Appropriate Assessment Screening**

The proposed development comprises a new vehicular access in an established urban area.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS

#### 8.0 **Recommendation**

8.1. I recommend a refusal of planning permission.

#### 9.0 **Reasons and Considerations**

Having regard to the grounds of appeal, the reason for refusal and the policy framework for car parking contained in the Dublin City Development Plan 2022-2028, it is considered that the proposed development would be inconsistent with policy

objective SMT25 (as set-out in Section 8.5.7), Appendix 5, Section 4.3 (Parking in Front Gardens) and Section 4.3.7 (parking in the curtilage of a protected structure and in an architectural conservation area and in a conservation area) of the Dublin City Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

## 10.0

1.	The development would result in the removal of on-street parking to accommodate private vehicular entrances, which would be contrary to the policy of the planning authority, as set out in Policy SMT25 and section 8.5.7 of the Dublin City Development Plan 2022-2028, which aims to manage on-street parking to serve the needs of the city alongside the needs of residents, visitors, businesses, curb side activity, and accessible parking requirements. The reduced supply of on-street parking would detract from the convenience of road users and the residential amenity of surrounding properties, would be contrary to the stated policy and would set an undesirable precedent for other similar developments in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
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"I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way".

  
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Anthony Abbott King  
Planning Inspector

18th September 2023